

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Protection of the Human Rights of Women Victims of Human Trafficking from Revictimization in the Law Enforcement Process

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Abstract. *The Crime of Human Trafficking (TPPO) is a form of modern slavery that brutally deprives women of their human rights and autonomy. Ironically, when victims enter the criminal justice system seeking justice, they often experience double suffering or revictimization. The conventional criminal procedural law system, which is rigid, positivistic, and offender-oriented, frequently turns victims into mere objects of proof. This research aims to analyze the forms of revictimization in the law enforcement process and reconstruct a protection model for women victims of TPPO using the perspective of Dignified Justice. This research employs a normative legal research method by applying a statutory approach and a conceptual approach. The results show that revictimization manifests in the exploitation of traumatic memories during the investigation stage, victim-blaming culture, and psychologically damaging physical confrontations in courtrooms. As a solution, the justice system must immediately undergo radical transformation by adopting a victim-centered and trauma-informed approach. This can be realized through procedural engineering by providing specialized female investigators, optimizing the use of remote evidence technology (teleconferencing), and absolutely integrating the role of the Witness and Victim Protection Agency (LPSK) in providing Safe Houses and clinical assistance. In conclusion, synergy between progressive law enforcement officers and strong legal assistance will ensure that the judicial process transforms into an instrument for restoring human dignity rather than becoming a new arena of suffering for victims.*

Keywords: *Crime; Dignified; Justice; Revictimization; Trafficking.*

1. Introduction

Human trafficking or the Crime of Human Trafficking (TPPO) is a tangible manifestation of modern slavery that viciously tears apart the values of humanity and human rights. Amid the currents of globalization that promise progress and freedom, TPPO emerges as an antithesis

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that reduces human beings to mere commodities that can be bought and sold for the economic benefit of certain groups. This illicit practice not only crosses national borders as an organized transnational crime but is also deeply rooted in the domestic sphere. This violation of fundamental human freedom occurs systematically, deliberately, and often remains hidden behind various forms of economic activity. Within this dark landscape of crime, human dignity is degraded to its lowest point, destroying the principles of equality, bodily autonomy, and justice that should be the inherent rights of every individual from birth.

Within this complex and exploitative criminal structure, women occupy an extremely vulnerable position and statistically always constitute the majority of victims. This vulnerability does not occur in a vacuum but is deeply rooted in long-standing structural problems within society, such as extreme poverty, gender inequality, and the strong grip of patriarchal culture. Limited access to quality education and the scarcity of decent employment opportunities, especially in rural areas and urban poverty pockets, further narrow women's choices and independence. This subordinate position of women within social and economic structures ultimately makes them easy targets for criminal syndicates that operate in an organized, well-funded, and highly manipulative manner.

Under the pressure of economic hardship and desperation to improve their living conditions and support their families, these women are easily deceived by the promises of syndicate members. These criminals often disguise themselves as official labor recruitment agents, distant relatives, or even trusted figures within local communities, offering attractive promises of decent jobs with lucrative salaries in major cities or abroad. However, the illusion of prosperity shatters the moment these women are separated from their environments and arrive at their destinations. What they encounter instead is brutal and inhumane exploitation; they endure months of confinement, unreasonable working hours in the form of forced labor without pay, and cruel coercion into prostitution and the pornography industry.

This chain of merciless crimes and exploitation forcibly strips women of their freedom and autonomy, destroys their physical integrity and health through various forms of violence, and leaves deep psychological scars (trauma). Post-traumatic stress disorder (PTSD), severe depression leading to suicidal tendencies, excessive anxiety, and a loss of trust in people and the surrounding world are mental burdens that survivors must carry every day. These emotional wounds are extremely difficult to heal and often require intensive long-term medical intervention and psychological assistance. For these women, escaping alive from the grip of trafficking syndicates is merely the first step in a long and painful recovery process, where the shadows of past fears continue to haunt every stage of their lives.

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Unfortunately, the repeated suffering experienced by women victims of exploitation often does not automatically end once they are rescued from the hands of trafficking syndicates. The public frequently assumes that once victims have been rescued by the authorities, justice will automatically be served and their suffering will end. However, a profound irony consistently occurs when these victims enter the criminal justice system to seek justice for the wrongs committed against them. Instead of receiving comprehensive protection, mental recovery support, and a sense of security, the legal process often rigid, formalistic, and highly bureaucratic frequently becomes a new and intimidating arena for victims.

This troubling phenomenon, arising from systemic gaps, is widely known in criminal law and victimology literature as revictimization. Revictimization is a form of secondary suffering or victimization experienced by victims, not as a result of the original perpetrators, but directly from the treatment of law enforcement officials or the procedures of the justice system itself. When victims must undergo a series of exhaustive examinations, ranging from police interrogations and investigations, the preparation of indictments by prosecutors, to courtroom testimony, they are continuously forced to revisit deeply traumatic memories. They are required to repeatedly and thoroughly recount details of the torture, deception, and sexual violence they experienced, effectively reliving those ordeals without any psychological respite.

Even more painful and emotionally damaging, the methods of examination and the series of questions posed by investigators and defense attorneys often carry a judgmental tone or elements of victim-blaming. Victims are not infrequently indirectly judged for decisions they made in the past, as though law enforcement officials blame them for their “naivety” or “foolishness” in being deceived by trafficking intermediaries. The succession of leading, intimidating questions, aggressive attacks on victims’ credibility, and cynical doubts about their testimony create extraordinarily destructive emotional pressure. Instead of embracing victims as human beings whose dignity has been violated, the justice system sometimes mistakenly places them in the position of the accused, causing them to feel guilty, unfairly judged, and stripped of their dignity for a second time before the law.

From the perspective of formal regulations, Indonesia actually possesses a fairly adequate, comprehensive, and progressive legal framework to combat this crime. The enactment of Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, later reinforced synergistically by the Law on Sexual Violence Crimes (TPKS), should serve as a strong instrument for defending and restoring victims. Nevertheless, the practical implementation of human rights protection for victims remains far from ideal. This systemic failure largely stems from the mindset of law enforcement officers, which remains highly positivistic, mechanistic,

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and solely focused on obtaining perpetrators' confessions or fulfilling formal evidentiary requirements (offender-oriented), often neglecting victim recovery.

Within the perspective of conventional law enforcement constrained by this positivistic paradigm, the existential position of victims is frequently reduced and degraded to that of a mere "piece of evidence" or supplementary reporting witness. Their legal function is narrowly confined to being an administrative instrument for completing case files, with the sole objective of ensuring the imprisonment of the perpetrator and closing the case. This dehumanizing paradigm blatantly ignores the sociological and psychological reality that victims are living individuals with shattered emotions, profound fear, and dignity that the state is obligated to protect. The peak of this neglect is most clearly and cruelly seen when victims are forced to confront perpetrators and members of trafficking syndicates directly in court a situation in which massive psychological intimidation occurs, often leading victims to withdraw complaints or provide incomplete testimony due to overwhelming mental terror.

Considering the reality of law enforcement that remains intimidating, alienating, and incapable of providing victims with a sense of security, it is imperative to reconstruct legal thinking and transform judicial procedures fundamentally based on the noble values of Dignified Justice. Law is not created merely to punish the guilty through a narrow retributive lens; philosophically and essentially, law exists to humanize human beings and restore both social order and the individual soul damaged by crime. Therefore, this article is specifically prepared to examine, analyze, and seek solutions regarding how the human right

of women victims of TPPO can be protected from the destructive threat of revictimization throughout every stage of the law enforcement process. Through sharp and comprehensive legal analysis, this paper is expected to provide a revolutionary framework for law enforcement officials to shift their judicial approach toward one that is far more trauma-informed and responsive, ensuring that the criminal justice process no longer becomes a second arena of suffering that legitimizes victims' pain, but instead becomes a genuine pathway toward substantive justice and the restoration of women's dignity in Indonesia.

2. Research Methods

This study employs a normative legal research method, also known as doctrinal research, which focuses on examining legal principles, theories, and written rules within the positive legal system.[3] There are two main approaches applied in this study. First, the statutory approach is used to analyze the conformity and synchronization of regulations among Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP), Law Number 21 of 2007 concerning the

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Eradication of the Crime of Human Trafficking (TPPO), Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 on the Protection of Witnesses and Victims, and Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS). Second, the conceptual approach is used to examine the doctrines of revictimization, human rights, restorative justice, and the values of Dignified Justice within the judicial system.

The data used are secondary data collected through a library research method. Primary legal materials include the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), the Criminal Procedure Code (KUHP), and other specific statutory regulations, including Government Regulation Number 7 of 2018 in conjunction with Government Regulation Number 35 of 2020 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims. Secondary legal materials consist of criminal law textbooks, scientific journals, and the views of legal scholars (doctrines). All collected data were then systematized and analyzed descriptively and qualitatively. A deductive process was employed to draw conclusions from general human rights norms into concrete ideas regarding law enforcement procedures that ensure recovery and protect female victims of human trafficking from revictimization.

3. Results and Discussion

3.1. Forms of Revictimization in the Conventional Criminal Justice System

Revictimization within the law enforcement process often occurs subtly, latently, and is sometimes not even recognized by law enforcement officers themselves. This situation stems from the rigid view that they are merely carrying out standard procedures or Standard Operating Procedures (SOPs) prescribed by criminal procedural law. Through the lens of narrow legal positivism, law enforcement officials are often trapped in administrative routines, where the completion of case files is prioritized far above consideration of the psychological and humanitarian aspects of the individuals being examined. This blind adherence to procedural texts ultimately creates a mechanical system that ignores emotional suffering, causing state officials, often unconsciously, to become secondary perpetrators who inflict new wounds upon victims.

This condition is particularly tragic considering that the psychological state of female victims of Human Trafficking Crimes (TPPO) is often at its lowest point immediately after rescue. They have only recently escaped the grip of modern slavery syndicates that deprived them of their freedom, bodily autonomy, and dignity through brutal physical and sexual exploitation. Instead of receiving a safe and calming environment to recover their awareness and stability, the conventional criminal justice system compels them to immediately adapt to a fast-paced,

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bureaucratic, and unempathetic law enforcement process. The clash between the victim's extreme psychological vulnerability and a rigid justice system becomes the embryo of structural revictimization and compounded suffering.

The first tangible form of revictimization is generally experienced during the initial investigation stage at the police level, where what may be called the exploitation of traumatic memory occurs. Female victims of trafficking who are still in a state of shock are often not given sufficient time to calm themselves or receive psychological first aid. Instead, they are immediately placed in interrogation rooms and subjected to dozens of procedural questions that force them to revisit their darkest memories. The demand to repeatedly recount details of torture, deception, or rape in a coherent manner constitutes a form of mental suffering that compels victims to relive traumatic experiences over and over again without adequate psychological protection.

This exploitation of memory is further aggravated by the practice of investigator rotation, whereby victims are frequently required to repeat the same testimony to different investigators or officials. Each time victims move between examination desks or stages of the judicial process, they are forced to reopen the same emotional wounds. The repeated retelling of their experiences, without proper integration into the investigative process, demonstrates the inefficiency and lack of empathy inherent in conventional evidentiary systems. Victims are reduced to little more than "recording devices" of criminal events that can be replayed whenever necessary to complete official examination reports, with little regard for the mounting depression and emotional burden they endure.

The second form of revictimization manifests through victim-blaming discourse and attitudes that remain deeply rooted in society, including among law enforcement officials. Patriarchal culture and limited understanding of the psychology of victims of exploitative crimes often produce biases that place partial responsibility on victims for their own misfortune. Such attitudes are expressed verbally through intimidating and accusatory questions from investigators, such as, "Why did you agree to go with someone you had just met?" or "Why didn't you scream, fight back, or look for an opportunity to escape during the incident?"

Questions of this nature can be devastating to the remaining sense of self-worth possessed by victims because they implicitly portray them as foolish, careless, or even secretly complicit in the exploitation. Law enforcement officers often fail to understand concepts such as tonic immobility or unequal power relations, where trafficking victims commonly operate under threats of murder, debt bondage, or paralyzing fear that undermines their ability to think rationally and resist. As a result of such accusatory interrogations, victims may internalize

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feelings of guilt and begin to believe that they themselves caused the crime, potentially triggering severe depression and even suicidal tendencies.

The third form of revictimization and arguably the most brutal and psychologically destructive is the obligation to confront perpetrators directly in court. In conventional procedural systems, the principles of public trials and the defendant's right to confront witnesses are often interpreted literally without special protective measures. Requiring women who have been confined, tortured, and trafficked to physically sit face-to-face with pimps, syndicate leaders, or recruitment agents in the same courtroom constitutes a form of procedural cruelty. Intimidating stares, threatening body language, and the unfamiliar atmosphere of the courtroom can instantly trigger panic attacks in victims.

This physical confrontation often destroys whatever psychological foundation victims may have begun to rebuild. Under the immense pressure of psychological terror, victims' courage to testify frequently collapses; they may speak hesitantly, retract their statements, or even faint in court. Once a victim's testimony breaks down, defense attorneys can easily manipulate the situation to undermine its credibility, often resulting in reduced sentences or even acquittals for perpetrators. This represents the pinnacle of conventional justice system failure, where material truth remains undiscovered precisely because the system itself destroys its most important witness through procedures devoid of empathy.

3.2. Victim-Centered Approaches and Dignified Justice in Procedural Law

To prevent the destructive cycle of revictimization, Indonesia's criminal justice system must urgently undergo a paradigm shift by adopting a victim-centered approach. This approach requires a radical transformation from a justice system that has traditionally focused on obtaining offender accountability to one that prioritizes the recovery and well-being of victims. Under this framework, the rights, security, comfort, and privacy of victims are placed at the center of every procedural policy. Every action, from preliminary investigation to judicial decision, must be evaluated in terms of its impact on the victim's physical and psychological well-being.

The victim-centered approach is, in essence, a direct manifestation of the theory of Dignified Justice within legal philosophy. Dignified Justice views law not merely as an instrument of state retaliation against offenders but primarily as a means of humanizing humanity itself. This paradigm places the restoration of the dignity, honor, and humanity of trafficking victims as the highest priority, one that must never be sacrificed for the sake of rigid and mechanical procedural formalities. When legal procedures erode human dignity, Dignified Justice holds that

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such procedures have lost their philosophical essence and must be modified or reconstructed to achieve substantive justice.

In practical terms, law enforcement must be restructured to become fully trauma-informed. This concept requires all judicial institutions to possess a clinical understanding of how trauma affects memory, behavior, and emotions. A trauma-informed system assumes that trafficking victims carry invisible psychological wounds that may easily be triggered by inappropriate interventions. Consequently, law enforcement officials must employ empowering, nonjudgmental communication techniques and consistently obtain informed consent before exploring sensitive and painful information.

The concrete implementation of trauma-informed law enforcement can begin with the provision of specialized police investigators. Ideally, examinations involving female victims of exploitation and sexual violence should be handled exclusively by female investigators who have received specialized psychological training in crisis management and trafficking victim assistance. The presence of investigators of the same gender is believed to reduce victims' fear, eliminate embarrassment when discussing sexual exploitation, and build trust, which serves as the foundation for a fair and non-coercive judicial process.

Beyond human resource preparedness, the design of examination environments also plays a crucial role. Interviews should no longer be conducted in conventional interrogation rooms that are cold, restrictive, and crowded with police personnel or criminal suspects. Instead, examinations should take place in specially designed rooms that are architecturally friendly, calm, and comfortable. Such rooms should ideally include relaxation facilities, soothing colors, and complete separation from public police areas. A safe environment sends a subconscious message to victims that they are being protected by the state rather than treated as criminal suspects.

Furthermore, in the modern era, criminal procedure law must fully and progressively utilize technological advances as instruments of humanitarian protection. Procedural requirements that necessitate physical contact or direct confrontation in the same courtroom should be abandoned in cases involving severe exploitation. Advances in recording and digital communication technologies create opportunities for evidentiary mechanisms that better protect victims without violating defendants' constitutional rights to defend themselves. Procedural law reform should require judges and prosecutors to become accustomed to accepting electronic evidence as a primary tool for protecting the dignity of victim-witnesses in court.

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As strongly reflected in the spirit of the Sexual Violence Crimes Law (TPKS Law), testimony from female trafficking victims should no longer require their direct physical presence in intimidating and crowded courtrooms. This progressive legislation provides broad opportunities for victim statements to be recorded audiovisually from the investigation stage onward. Such testimony, delivered under oath and captured while the victim's memory remains fresh but within a carefully monitored psychological environment can be presented in court as valid and binding evidence, thereby eliminating the need for victims to repeatedly recount their experiences in the presence of perpetrators.

If direct testimony remains absolutely necessary for judges seeking to uncover material truth, it should be conducted through teleconference facilities. Remote examinations may take place from secure locations, such as offices of the Witness and Victim Protection Agency (LPSK). Through this mechanism, courts can facilitate one-way visual systems in which victims cannot see the perpetrator's face, while the victim's identity, appearance, and physical location remain fully protected from the public, defense counsel, and media cameras. The use of such technology represents the highest embodiment of Dignified Justice, preserving the integrity of legal facts while safeguarding the life and psychological well-being of victims.

3.3. Optimizing the Role of LPSK and Integrated Legal Assistance

Comprehensive protection from the dangers of revictimization will never be successfully realized in practice if victims are left alone to navigate a complex and convoluted justice system. Victims who are traumatized, unfamiliar with legal terminology, and lacking financial resources cannot be expected to face law enforcement officers or lawyers representing human trafficking syndicates with seemingly unlimited resources on a one-on-one basis. This is where the absolute urgency of optimizing the institutional role of the Witness and Victim Protection Agency (LPSK), networks of professional social workers, paralegals, and legal advocates working collaboratively and integratively becomes evident. The state must not abdicate its responsibility; it must ensure that an institutional shield consistently surrounds victims at every stage of the legal process.

The law must provide a clear mandate and ensure that from the very first moment a rescue operation succeeds, victims are immediately placed under the jurisdiction and absolute protection of LPSK. This rapid transition is vital to prevent trafficking syndicates from carrying out retaliatory intimidation, bribery, or even re-abduction of victims. Immediately after being rescued, victims must be evacuated to a Safe House whose location is kept confidential through layered security systems. This tactical step is not merely the fulfillment of procedural rights but rather a crisis intervention that will determine whether victims ultimately have the courage to speak out and seek justice or withdraw due to overwhelming and unmanaged fear.

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The existence of a Safe House must also be understood as extending far beyond the mere provision of basic physical facilities. Assistance within this institution should not resemble a social shelter that merely provides a decent bed, food security, and clothing. More than that, the Safe House must function as an integrated rehabilitation clinic specifically designed to restore the cognition and bodily autonomy of women who have experienced exploitation. Within this facility, victims' urgent needs regarding reproductive health rights following sexual exploitation can be addressed medically with strict guarantees of privacy, in parallel with efforts to ensure their legal protection.

Within this rehabilitation framework, the most crucial element is the provision of intensive and continuous clinical psychological assistance. Forensic and clinical psychologists must work tirelessly to facilitate trauma healing, restore mental stability, and rebuild the confidence of victims that has been shattered by human traffickers. This recovery is an absolute prerequisite that cannot be compromised because the legal system requires coherent testimony. Without holistic mental recovery in the Safe House, victims will never be ready to face the pressures of examination, and the clarity of thought necessary to provide meaningful legal testimony will never be achieved.

In addition to psychological support, the presence of competent legal advocates or public defenders plays a crucial and irreplaceable role, particularly once a case enters the trial stage. Advocates or legal assistants representing the interests of victims do not merely act as passive advisors but actively serve as a "shield" protecting human rights in the courtroom. They are agents who ensure that all victim prerogatives guaranteed by the constitution and special witness-protection laws are fully implemented by prosecutors and judges. Legal assistants are tasked with monitoring every aspect of the process to ensure that no procedural loophole, however small, undermines the victim's psychological well-being or security during legal proceedings.

Courtroom dynamics often evolve into a form of "psychological warfare," and it is in this setting that legal advocates and public prosecutors must stand firm against defense counsel. Judges, as the authorities responsible for directing courtroom proceedings, are required to adopt a progressive, decisive stance that upholds dignified justice. Judges must provide room for victims' legal representatives to intervene in proceedings and firmly halt questions posed by defense attorneys that constitute fishing expeditions, invade victims' privacy, demean women's dignity, or bear no relevance whatsoever to the core issues of human trafficking cases.

The firmness of the panel of judges in rejecting victim-blaming questions during trial is the key to successful anti-revictimization protection. If judges permit defense lawyers to expose a

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victim's sexual history or question the supposedly naïve reasons why a victim became trafficked, then at that very moment the justice system has legitimized revictimization. Therefore, judges must exercise their authority to the fullest extent under victim-oriented procedural law to regulate courtroom proceedings, ensuring that the focus of evidence remains on the crime of exploitation committed by trafficking networks rather than placing the victim's morality or difficult life choices on trial. Ultimately, an ideal justice system can only be created through integrative synergy among all elements of law enforcement. Synergy between empathetic police investigators on the front lines, progressive prosecutors and judges willing to pursue legal innovation in court, and resilient psychological and legal advocates defending victims constitutes the essential formula for protection. This comprehensive collaboration not only prevents revictimization but, in essence, ensures and guarantees that the state's justice system is transformed into a safe, fair, and restorative space that fully upholds the human rights of women that have been violated by the crime of human trafficking.

4. Conclusion

Law enforcement in cases of Human Trafficking (TPPO) will never achieve the true meaning of justice if, in the process of implementation, it further destroys the lives of victims who are already wounded. The double suffering, or revictimization, experienced by women victims of exploitation from accusatory interrogations to physical confrontations with perpetrators in the courtroom is an inherent flaw of a justice paradigm that remains offender-centered. Therefore, a radical shift in perspective is needed toward a victim-centered approach grounded in the values of Dignified Justice. Law enforcement officials must humanize victims by implementing trauma-sensitive examination procedures, maximizing the use of remote testimony technology (teleconferencing), and ensuring the availability of strong psychological and legal support. By dismantling the rigidity of judicial bureaucracy, the state can genuinely fulfill its role in protecting the human rights of women victims of exploitation, restoring their dignity, and delivering true justice without inflicting new wounds.

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